

FILED
for Danville
JUN 01 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

BARRY S. DALLAS,)	CASE NO. 4:05CV00064
)	
Plaintiff,)	
)	
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
JO ANNE B. BARNHART, Commissioner)	
of Social Security,)	
)	
Defendant.)	By: B. WAUGH CRIGLER
		U.S. MAGISTRATE JUDGE

The undersigned having been informed that all issues in this action for a waiver of overpayment of \$13,211.50 in disability benefits have been settled and that plaintiff is seeking a voluntary dismissal with prejudice by virtue of his paying the sum claimed by the Commissioner,¹ it is

RECOMMENDED

that this action be DISMISSED with prejudice from the docket of the court.

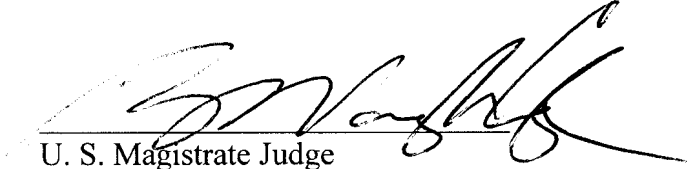
The Clerk is directed to immediately transmit the record in this case to the Hon. Jackson L. Kiser, United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the

¹Plaintiff's *pro se* letter and exhibit informing the court of such action was electronically filed by the clerk on May 31, 2006.

undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


U. S. Magistrate Judge

6-01-06
Date